

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
OCTOBER 17, 1962

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, October 17, 1962. Councilmen Brown, Culbertson, Dow, Ullmann and Katzakian (Mayor) present. None absent.

Also present: Administrative Assistant Carlton, Planning Director Rodgers and City Attorney Mullen. Absent: City Manager Graves.

MINUTES Minutes of October 3, 1962 were approved as written and mailed on motion of Councilman Brown, Dow second.

PUBLIC HEARINGS

ANNEX
GINOCCHIO
ADDITION

ORD. NO. 737
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Katzakian called for public hearing on the intention to annex the Ginocchio Addition. There were no protests to the proposed annexation, written or oral. The Planning Commission recommended that the territory be annexed with R-2 one family residential zoning to conform with the zoning in the surrounding area. Councilman Brown moved the introduction of Ordinance No. 737 annexing the Ginocchio Addition to the City of Lodi with R-2 zoning. The motion was seconded by Councilman Ullmann and carried.

REMPFER
APPEAL ON
REZONING
831-835 W.
LODI AVE.

Notice thereof having been published in accordance with law, Mayor Katzakian called for public hearing on the appeal of Mr. William Rempfer from the decision of the City Planning Commission denying his request for the rezoning of his property at 831-835 West Lodi Avenue from the R-2 one family residential zone to the C-P Commercial-Professional office zone. The October 8, 1962 report from the Planning Commission was read by Administrative Assistant Carlton. The report listed the following reasons for denying the request for rezoning:

1. There has been no material change in the area since the last consideration of this request.
2. Approval of this request would lead to further strip commercial development of Lodi Avenue to the detriment of its traffic capacity.
3. Such rezoning would adversely affect the residential desirability of adjoining homes.
4. Rezoning of the single lot would constitute a spot zone intrusion into an established residential district.
5. The property is now used in a reasonable manner which is compatible to the existing neighborhood.
6. The regulations of the C-P zone are inadequate to provide the necessary protection for nearby residences.

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The City Clerk then read letters of protest to the rezoning from the following people: Mr. and Mrs. James Gibbons, 206 South Orange Avenue; J. J. Roper and Mrs. John H. Roper, Jr., 210 South Crescent Avenue; Mr. and Mrs. Daniel M. Dean, 212 South Crescent Avenue; Mr. and Mrs. G. O. Beckman, 210 South Orange Avenue; Mr. and Mrs. Walter Bellon, 13 North Sunset Avenue; Mr. and Mrs. Deran S. Dee, 211 South Avena Avenue; Mrs. Oressa Musgrove, 225 South Orange Avenue; Mr. and Mrs. Earl H. Botts, 211 South Crescent Avenue; Mr. and Mrs. Ed Kurtz, 201 South Avena; Mrs. Alice L. Watson, 215 South Avena Avenue; and Mr. and Mrs. E. H. Hawkins, 227 South Rose Street. There was no correspondence in favor of the rezoning. Mayor Katzakian asked those in the audience who favored rezoning to express their views. Mr. Vic Goehring, 541 Tara Place, representing Mr. Rempfer, said that Mr. Rempfer had a reasonable and just cause, stating that the following arguments against the rezoning were not valid because of the following reasons:

1. That Mr. Rempfer was trying to get an unjust economic gain. - Any businessman has a right to make a gain.
2. C-P rezoning does not provide enough protection for property owners. - The building has been constructed and architectural requirements have been met.
3. There have been no changes in the area since Mr. Rempfer's former request for rezoning. - There is more traffic along Lodi Avenue and hence the duplex is less desirable as a dwelling.
4. Property owners say their property would be de-valuated. - Present commercial development along Lodi Avenue has not caused any depreciation in value of the residential area.
5. The rezoning will cause increase in traffic. - Lodi Avenue will have four lanes eventually, Mr. Rempfer has given right of way for this widening and it is unjust to deny him the right to use this for his business. His business would not increase traffic and he is entitled to some consideration.

Medical offices have been permitted on the north side of Lodi Avenue and it is discriminating not to allow a real estate office.

Mr. Tom Doyle, 333 South Fairmont Avenue, spoke in behalf of Mr. Rempfer. He said that five years ago Doctors Spittler and Pallesen had been permitted to use their residences as offices and that traffic had not increased and surrounding property had not devaluated. He felt that if doctor's offices had been permitted, Mr. Rempfer's request for a real estate office should have been granted also. He wanted to see justice done. He questioned the validity of the City Manager's reasons for denying the rezoning. (In February of 1962 the City Manager had recommended that strip zoning be discouraged, giving reasons therefor.

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Mayor Katzakian stated that at the time Dr. Pallesen (1011 W. Lodi Ave.) and Dr. Kultzen (1111 W. Lodi Ave.) obtained their permits, medical offices were a permitted use in a residential zone so no zoning change was required. Planning Director Rodgers pointed out that since that time, doctors offices have been eliminated as a permitted use in residential zones.

Mr. Rempfer said that when he purchased the property in 1956 he did not apply for rezoning, but had been assured by a city councilman that he would be allowed to use the property for a real estate office. He said that he had read the Planning Commission Minutes and that in 1959 when the C-P zone was established, its purpose was to provide a buffer zone between residential and commercial areas and he felt that the Council should comply with the spirit of the law concerning C-P zoning.

There were no further speakers in favor of the rezoning. Mr. Malen Stroh, 220 South Crescent Avenue, said that Mr. Rempfer had purchased the property in question as residential property and now he wishes to disregard the welfare of his neighbors by turning it into commercial use. He said the case should be judged on its merits. He contended that such rezoning would increase traffic and parking problems, that it would devalue the residential properties, that it would lead to further encroachment into the residential area with consequent blight. He said that the Council was under no obligation to further Mr. Rempfer's business, but did have an obligation to consider the best interest of the citizens of Lodi. Further, if this property is rezoned, the Council will not be able to change it back to the present zoning; it should not risk ruining a good section of the City. Mr. Robert H. Rinn, 820 West Walnut Street, said that he could not add anything to what had been expressed by Mr. Stroh, the City Manager, the Planning Commission and the Court. He said the residents in the area wanted to keep it residential and that Mr. Rempfer knew the zoning when he bought the property. He asked the Council if it were going to use Lodi Avenue as a buffer or commit residential property to commercial zoning, stating that the Council has to consider what is best for the City. There being no further protestants who wished to be heard, the Mayor closed the public portion of the hearing.

Councilman Culbertson said it was up to the Council to make a decision on the merits of the situation, that it had to set policies which would better the City of Lodi, and that it had to treat everyone alike and could not consider profit as a basis for a decision. He said that granting the rezoning for Mr. Rempfer would be spot zoning and would show partiality. He said that in the past doctors offices had been permitted in R-3 and R-4 zones, but such offices have become congestion makers as much as other types of offices and so are no longer permitted in such zones. He felt that the appeal should be denied. Councilman Dow said that the real issue was the buffer zone - that the Council should determine which is more

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valuable or adequate between the commercial zone on the south of Lodi Avenue and the residential area on the north, the street or the C-P zone. He said there is already spot zoning on the north side of the street and if the Council is bound by precedent, it should approve the rezoning. He said that residents adjacent to a busy street could also create a traffic problem, especially with children. He said that it would be up to the Council to decide if there would be any encroachment into the residential area in the future. He felt that the rezoning requested was justified and would not bind the Council to further rezoning. Councilman Culbertson stated that the buffer zone on Lodi Avenue does not have to be C-P. It could be R-3 or R-4. He said there was no need to start C-P zoning on Lodi Avenue, that there were many properly zoned areas in the city where offices would fit in. Mayor Katzakian said that the offices of Dr. Pallesen and Dr. Kultzen are now non-conforming uses and will eventually revert to residential use. Lodi Avenue is a major street bringing in traffic from the rural area and further zoning the north side for commercial uses will increase the traffic problem. The Mayor stated that nothing had happened to change his previous decision on this rezoning. Councilman Brown asked Mr. Rempfer if he had built a duplex on the property under consideration and Mr. Rempfer answered in the affirmative. City Attorney Mullen reminded those present that the Council was not weighing the question of whether or not Mr. Rempfer should be allowed to establish a real estate office, but was considering the question of whether or not it was good planning to rezone to C-P which included other uses in addition to real estate offices. Councilman Culbertson moved that the appeal of Mr. William Rempfer from the decision of the Planning Commission in denying his request to rezone the property at 831-835 West Lodi Avenue to C-P be denied and the decision of the Planning Commission be upheld. The motion was seconded by Councilman Brown and carried by the following vote:

AYES: Councilmen - BROWN, CULBERTSON and KATZAKIAN

NOES: Councilmen - DOW and ULLMANN

SETBACK LINES
ON HUTCHINS
& WEST LANE
ORD. NO. 738
INTRODUCED

Notice thereof having been published in accordance with law, the Mayor opened the public hearing on the proposal to establish setback lines on Hutchins Street between Lockeford Street and Kettleman Lane forty feet each side of the center line and on West Lane south of Kettleman Lane, fifty-five feet each side of the center line. Administrative Assistant Carlton read the report from the Planning Commission recommending establishment of the setback lines. There were no oral or written protests to the proposal. Councilman Brown moved the introduction of Ordinance No. 738 establishing the above setback lines as recommended by the Planning Commission. The motion was seconded by Councilman Dow and carried.

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COMMUNICATIONS

GOEHRING
MEAT CO. Letter from the Goehring Meat Company thanking the Council for attending the open house of their firm was read.

END-KIAN
PUB. CO. A letter was read from End-Kian Publishing Company expressing appreciation for the way the Lockeford Street paving job was handled.

DELTA
RECREATION A carbon copy of a letter was received from the State Department of Conservation to Chairman Perino of the County Board of Supervisors. The letter was in regard to Delta recreation planning and stated that people in the area responsible for recreation planning would be contacted in the near future for technical information and views on local development.

MORRIS CLAIM
FOR DAMAGES A claim for damages was presented from Ross Morris in the amount of \$102.50 as a result of water flooding inside his home at 1606 South School Street on June 24, 1962. The claim of Mr. Morris was rejected and referred to Mr. Max Elson, the City's Agent of Record, on motion of Councilman Brown, Ullmann second.

PUBLIC WORKS
ACCELERATION
ACT Councilman Culbertson mentioned the notice which had been received by members of the Council concerning the meeting which had been arranged by the Stockton Chamber of Commerce at Webb's in Stockton in regard to the Public Works Acceleration Act. Congressman John McFall is to be the speaker.

REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$129,145.70 were approved on motion of Councilman Brown, Dow second.

AWARD -
POLICE CARS Bids were presented on two police cars, only two having been received, as follows:

RES. NO. 2571	Loewen Auto Company	\$3,675.74 net
ADOPTED	Krieger Motor Company	\$4,079.08 net

Councilman Dow moved the adoption of Resolution No. 2571 awarding the contract for two police cars to the low bidder, Loewen Auto Company. The motion was seconded by Councilman Culbertson and carried.

AWARD -
WALNUT ORCHARD
STORM DRAIN The following bids were received on the installation of the Walnut Orchard Storm Drain:

RES. NO. 2572	A. Teichert and Son	\$8,186.00
ADOPTED	C. C. Young	8,330.00
	Don K. Jorgenson	8,819.00
	D. A. Parrish & Sons	10,470.00
	R. Goold and Son	11,471.00

The Public Works Department recommended that award be made to the low bidder, A. Teichert and Son. On motion of Councilman Brown, Culbertson second, the City Council adopted Resolution No. 2572 awarding the contract for the construction of the Walnut Orchard Storm Drain to A. Teichert and Son for a total sum of \$8,186.00.

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AWARD -
CONCRETE PIPE

Two bids were received on the concrete pipe for the Walnut Orchard Storm Drain. They were as follows:

RES. NO. 2573
ADOPTED

Spiekerman Concrete Pipe Co. \$3,985.80
J.W. Mumbert Concrete Pipe Co. 4,055.05

Councilman Culbertson moved the adoption of Resolution No. 2573 awarding the contract for the concrete pipe to Spiekerman Concrete Pipe Company. The motion was seconded by Councilman Dow and carried.

WITHDRAW
SCHEPPLER ADD.
FROM WRCFPD

The annexation of the Scheppler Addition to the City of Lodi having been completed, Councilman Dow moved the adoption of Resolution No. 2574 withdrawing the Scheppler Addition from the Woodbridge Rural County Fire Protection District. The motion was seconded by Councilman Brown and carried.

RES. NO. 2574
ADOPTED

MID-BLOCK
CROSSWALK
ESTABLISHED
AT 1129 S.SACTO.

The Holz Rubber Company has requested that a mid-block crosswalk be established on Sacramento Street in front of their buildings at 1129 South Sacramento Street. In addition to their original building on the west side of the street, they now have a building on the east side of the street and employees use the street considerably in crossing between the two buildings. The buildings are located approximately 300 feet south of Park Street and 600 feet north of Tamarack Drive; therefore it is impractical for the employees to cross at these intersections. The Engineering Department felt that if the request were granted, Mr. Holz should be notified that it may not be on a permanent basis and that any corrections which can be made to concentrate company operations on one side of the street should be undertaken in the near future. The Department recommended that the request be approved. Councilman Brown moved that Resolution No. 2575 establishing a mid-block crosswalk at 1129 South Sacramento Street be adopted. The motion was seconded by Councilman Dow and carried. The Council did not consider it necessary to notify Holz Rubber Company concerning their operations.

RES. NO. 2575
ADOPTED

TIME EXTENSION
HOUSTON LANE
STORM DRAIN

The Engineering Department requested that an extension of time to November 10, 1962 be granted to ~~A. Teichert and Son~~ on their contract for the Houston Lane Storm Drain since the City had asked that the starting date be deferred until additional right of way could be obtained and vines removed from rights of way. On motion of Councilman Culbertson, Dow second, the Council granted an extension of time to November 10, 1962 to ~~A. Teichert and Son~~ for completion of the Houston Lane Storm Drain.

DON K. JORGENSEN
MINUTES 10/17/62

The Council then adjourned on motion of Councilman Culbertson.

Beatrice Garibaldi

Attest: BEATRICE GARIBALDI
City Clerk